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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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K1205, H EXAMINER

26M1/0706

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ART UNIT	PAPER NUMBER
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2603

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DATE MAILED: 07/06/94

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948.        |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.      | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____  |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 8-17 are pending in the application.  
Of the above, claims 1-7 are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 8-17 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

**Part III DETAILED ACTION**

***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

***Claim Rejections - 35 USC § 112***

2. Claims 8-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, "device" and "unit", in lines 3 and 19 respectively, should be in plural. The meaning of "mobile power supply" (line 4) is not clear; if applicants refer to a battery power supply, they should state it without ambiguity; if they refer to something else, then they should provide a clarification. The statement "being of said size and weight to be carried by an individual user" (lines 5-6) is vague; moreover, "said size and weight" lack antecedent basis. The statement "operable to collect data" is indefinite, as it not known what data is referred to and from where it is collected. The "wherein" recitation in lines 14-17 is confusing; it specifies that the radio frequency units provide communication between themselves, while the claim previously (lines 11-13) specifies that the radio frequency units provide communication between the mobile data devices; this ambiguity renders the claim indefinite.

In claim 9, it is not clear what is meant by "a standard mode" (lines 5-6), i.e., what standard is referred to.

It is not clear what limitation is intended to be added in claim 10; the claim appears to merely recite an alleged merit of the invention, i.e., the efficiency increase in power management.

In claim 12, it is not clear what is meant by "standard mode of radio communication", i.e, what standard? and what mode?

In claim 13, again, it is not clear what data is referred to and where it is collected from.

Claim 14 is incomplete, as it depends from claim 7 which was cancelled. It appears that claim 14 should depend from claim 8.

3. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to teach how to make and/or use the invention, i.e. failing to provide an enabling disclosure. The specification does not disclose how the mobile data devices "can be activated in a receive mode to receive a data message in timed relation to each IDLE SENSE message" as recited in claim 9.

4. Claims 9 and 11-13 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chadima, Jr. et al. (US 023824) is cited to show a hand held data collection device capable of communication with a stationary computer system via an RF link.

Messenger (US 5046066) is cited to show an indoor wireless local area network in which a base station polls a plurality of local stations to initiate data transmission to the base station

Tuch et al. (US 5220564) is cited to show a transmission control for a station in a wireless LAN. The transmission is initiated depending on whether the level of the received signal is bellow a predetermined threshold.

Miller et al. (US 5289378) is cited to show a vehicle LAN with adapters for coupling portable data terminals.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. Kizou whose telephone number is (703) 305-4744.

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Art Unit: 2603

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.



H. Kizou  
Patent Examiner  
G.A.U. 2603

June 29, 1994